easement for Sewer 760

DECLARATORY

Improvement Res. No. 1172-1965

Sewer easement purposes in Martenes Amended Addition; Scottswood Addition and Aldene Manor Addition.

Resolution Adopted: August 16, 1965

Confirmed: as amended Sept. 16, 1965

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:
Nov. 4, 1965

1172

B.O. 157-65 easement for Sewer 760

DECLARATORY RESOLUTION NO. 1172-1965

For the Condemnation of right of way for sewer easement purposes across, through and under a portion of lots numbered 3 through 8 inclusive, in Martenes Amended Addition; lots numbered ~~10 and~~ 11 in Scottswood Addition; and space bounded on the North by the Southerly line and the Easterly extension thereof, of Aldene Manor Addition bounded on the East by the Southwesterly line of Scottswood Addition; bounded on the South by a line parallel to and 30 feet from the Southerly line of Aldene Manor Addition and bounded on the West by Bluffton Road.

SEE RESOLUTION FOR AMENDMENT (2nd page)

PLANS ORDERED:

ADOPTED: August 16, 1965

ADVERTISE NOTICE TO PROPERTY OWNERS: Aug. 19 & 26, 1965
Notices mailed Aug. 26, 1965

HEARING ON CONFIRMATION: Thurs., Sept. 9, 1965 3:30 p. m.
Continued to Sept. 16, 1965 3:30 p. m.

CONFIRMED: as AMENDED Sept. 16, 1965

ASSESSMENT ROLL ORDERED: Sept. 16, 1965

ASSESSMENT ROLL APPROVED: Oct. 14, 1965

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: Thurs., Nov. 4, 1965 3:30 p. m.

NOTICE SERVED: Oct. 22, 1965

ASSESSMENT ROLL CONFIRMED: Nov. 4, 1965

DECLARATORY RESOLUTION NO. 1172 1965 (MODIFIED)

For the Condemnation of right of way for sewer easement purposes across, through and under a portion of lots numbered 3 through 8 inclusive, in Martenes Amended Addition; lots numbered 10 and 11 in Scottswood Addition; and space bounded on the North by the Southerly line and the Easterly extension thereof, of Aldene Manor Addition bounded on the East by the Southwesterly line of Scottswood Addition; bounded on the South by a line parallel to and 30 feet from theSoutherly line of Aldene Manor Addition and bounded on the West by Bluffton Road.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for sewer easement purposes across, through and under a portion of lots numbered 3 through 8 inclusive, in Martenes Amended Addition; lots numbered 10 and 11 in Scottswood Addition; and space bounded on the North by the Southerly line and the Easterly extension thereof, of Aldene Manor Addition bounded on the East by the Southwesterly line of Scottswood Addition; bounded on the South by a line parallel to and 30 feet from the Southerly line of Aldene Manor Addition and bounded on the West by Bluffton Road, more particularly described as follows:

The Southwesterly 5 feet of lot numbered 10 and the Northeasterly 5 feet of lot numbered 11, said lots being in Scottswood Addition.

Also, the South 16 feet of the West 92 feet of lot numbered 8, the West 14 feet of the South 50 feet of lot numbered 7, the East 10 feet of lot numbered 3, the East 7 feet of lot numbered 4, the West 10 feet of that portion of lot numbered 6 which abuts lot numbered 3, the West and North 7 feet of that portion of lot numbered 5 which abuts lot numbered 4, all lots being in Martenes Amended Addition.

Also, part of lot numbered 6 in Martenes Amended Addition, described as follows: An easement 10 feet in uniform width, the centerline being the Northwesterly projection of the Northeasterly line of lot numbered 11 in Scottswood Addition, said easement centerline being approximately 23 feet in distance.

Also, an easement 15 feet in uniform width 7½ feet on each side of the following described conterline: Beginning at the Southeast corner of lot numbered 13 in Aldene Manor Addition; thence Southeasterly on the extension of the Easterly line of lot numbered 13 a distance of 7½ feet to the true point of beginning; thence Easterly on the centerline, said line being 7½ feet from and parallel to the Easterly extension of the Southerly line of said lot numbered 13, a distance of 60 ± feet to the Southwesterly line of Scottswood Addition.

Also, an easement 30 feet in uniform width described as follows: Beginning at the Southeast corner of lot numbered 13 in Aldene Manor Addition; thence Southerly on the extension of the East line of said lot a distance of 30 ± feet to a point, thence Southwesterly on a line parallel to and 30 feet from the Southerly line of said lot numbered 13 a distance of 188 ± feet to a point; thence Northerly 30 feet to a point on the South line of lot numbered 12 in said Addition; thence Easterly a distance of 183 feet to the point of beginning.

Also, the North 7 feet of the East 18 feet of lot numbered 14 in Aldene Manor Addition.

All as shown by a plan of such proposed Condemnation of right of way for sewer purposes as described above, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Condemnation of right of way for sewer purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Condemnation of right of way for sewer purposes is described as follows: Across, through and under a portion of lots numbered 3 through 8 inclusive, in Martenes Amended Addition; lots numbered 10 and 11 in Scottswood Addition; and space bounded on the North by the Southerly line and the Easterly extension thereof, of Aldene Manor Addition bounded on the East by the Southwesterly line of Scottswood Addition; bounded on the South by a line parallel to and 30 feet from the Southerly line of Aldene Manor Addition and bounded on the West by Bluffton Road.

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All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporation", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

All streets, lots and land affected by the above described condemnation are situated in the Southwest 1/4 Section 22, Township 30, Range 12 East and lie fully within the corporate limits of the City of Fort Wayne, Indiana.

Adopted this 16 day of August, 1965.

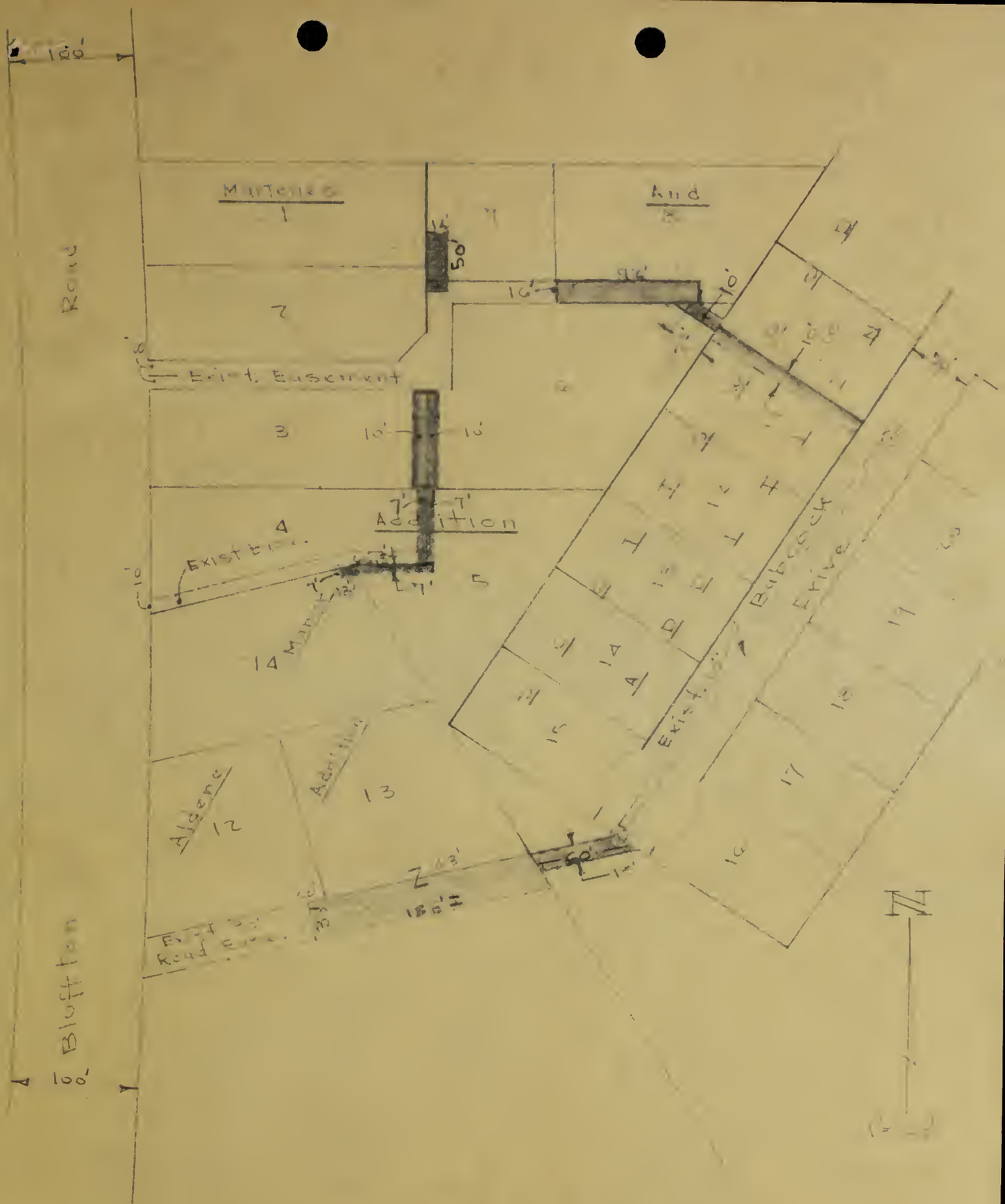
Fred A. Rumel
Robert W. Oehman
[illegible]

Board of Works

Clerk

AMENDED to read as follows:

Paragraphs numbered 1, 2 and 11 should be amended to delete lot numbered 10 in Scottswood Addition.
Paragraph numbered 3 should be amended to read: "The Northeasterly 10 feet of lot numbered 11 in Scottswood Addition".



Easements Required

Revised 9-23-65

1172

ENGINEERING
DEPT. OF STREETS

6

DATE August 10, 1965

TO: Board of Public Works

SUBJECT: Declaratory Resolution No. 1172-1965 157

NOTED
☐ F.S.E.
☐ R.W.D.
☐ G.F.G.
Date

The attached Declaratory Resolution was prepared by the Sewer Engineering Department and provides for the condemnation of right of way for sewer easement purposes in the vicinity of Bluffton Road and Babcock Drive. This easement is needed in connection with Local Sewer Resolution No. 760-1965.

Please advise what board order number is assigned to this resolution. Drawing and property ownership list are also attached.

Walter H. Meitz
City Engineer

D.E.B.:cl
attchs.

BOARD OF PUBLIC WORKS
RECEIVED
AUG 10 1965

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, August 26, 1965

1172

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did pass Improvement/Declaratory Resolution No. 1172-1965 providing for the Condemnation of right of way for sewer easement purposes in connection with Local Sewer Res. No. 760-1965.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed Thursday, September 9, 1965 at 3:30 pm in Conference Room 102 a date and time when they will hear and consider objections or remonstrances from all persons whose propery will be affected by the proposed improvement.

You are hereby notified that

Martenes Amd. Add. - Scottswood Add - Archange Godfreys Sub. of Rich. Reserve

Aldene Manor Add.

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

STATE OF INDIANA:
SS:
COUNTY OF ALLEN :

BEFORE THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF FORT WAYNE

BOARD OF PUBLIC WORKS
RECEIVED
NOV 4 1965

IN RE: DECLARATORY)
)
RESOLUTION NO. 1172-1965)
)

REMONSTRANCE BY SOUTHWEST CONSERVATION CLUB, INC.

Comes now the Southwest Conservation Club, Inc., a non-profit corporation organized under the laws of the State of Indiana, with its principal office at 5703 Bluffton Road, Fort Wayne, Indiana, and respectfully remonstrates and objects to the condemnation of a right-of-way for sewer easement purposes under Declaratory Resolution No. 1172-1965 adopted by the Board of Public Works on the 16th day of August, 1965 for the following reasons:

1. That the land proposed to be condemned is not necessary for the purpose of a sewer easement as proposed.

2. That such condemnation is not for the best interest of the public.

3. That the amount of damages proposed for such condemnation is not sufficient for the land sought to be appropriated.

4. That the amount of damages proposed is not sufficient when considering the inconvenience to remonstrator.

WHEREFORE, Southwest Conservation Club, Inc. respectfully remonstrates to the assessments of benefits and awarded damages as proposed by the Department of Public Works.

SOUTHWEST CONSERVATION CLUB, INC.

By Robert H. Berning
ROBERT H. BERNING, Attorney

BEFORE THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF FORT WAYNE

RE: DECLARATORY RESOLUTION

NO. 1172-1965

REMONSTRANCE BY SOUTHWEST

CONSERVATION CLUB, INC.

ROBERT H. BERNING
LAW OFFICES
BERNING & BERNING
409 STANDARD BUILDING
FORT WAYNE, INDIANA

PHONE 742-2302

BERNING & BERNING

BOARD OF PUBLIC WORKS
NOV 4 1965

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

48-306-4

B.O. 157-'65 Date Sept. 16, 1965

To City Engineer

Subject Dec. Res. 1172-1965 easement for 760

CONFIRMED as amended. (See 2nd page of Resolution for amendment)

Prepare Assessment Roll of Benefits $1.00 and Damages $1.00.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
attach Reso. & P. O. List

Signed _____

Reply:

October 11, 1965

Assessment Roll of Benefits and Damages completed and attached.

Walter H. Meitz
City Engineer

D.E.B: lc
attachs.

BOARD OF PUBLIC WORKS
RECEIVED
OCT 13 1965

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

City of Fort Wayne

ENGINEERING DEPARTMENT

425 SOUTH CALHOUN STREET

FORT WAYNE, INDIANA

BOARD OF PUBLIC WORKS
RECEIVED
SEP 27 1965
☐ P.O.E.
☐ R.W.D.
☐ G.F.G.
Date_____

September 23, 1965

Mr. Kenneth McGraw
Clerk, Board of Public Works

Subject: Easement Condemnation for Resolution No. 760 - Martenes Amended Addition

Dear Mr. McGraw:

The Declaratory Resolution for the above mentioned sewer should be modified as follows:

Paragraphs numbered 1, 2 and 11 should be modified to ~~omit~~ delete lot numbered 10 in Scottswood Addition.

Paragraph numbered 3 should be modified to read:

"The Northeasterly 10 feet of lot numbered 11 in Scottswood Addition".

I am enclosing two copies of the revised easement drawing.

Yours truly,

P. S. Sidney-Smith
Chief Sewer Engineer

gk

cc: Mr. Don Bedeker

DECLARATORY ~~Improvement~~ Resolution No. 1172 -1965 For THE CONDEMNATION OF RIGHT OF WAY FOR SEWER EASEMENT PURPOSES IN CONNECTION WITH LOCAL SEWER RESOLUTION No. 760-1965.

	OWNER'S NAME	ADDRESS	NUMBER OF LOT	NUMBER OF BLOCK	NUMBER OF O.L.	DESCRIPTION
1	MARTEN, CARL F. & E.M.	5329 [illegible]	3			MARTENE'S AND. ADD.
2	DERLOSHON, NICHOLAS EDWARD JR. & DONNA SUE	5323 Bluffton Rd ~~[illegible]~~ Pontiac St.	4			"
3	MARTEN, CARL F. & E.M.	5329 [illegible]	5			"
4	McCORMICK, ROBERT A. & HAZEL C.	53[illegible]	6			"
5	MARTEN, CARL F. & E.M.	5329 Bluffton Road	7			"
6	CHESTERMAN, L.M. & C.V.	[illegible]	8			"
7	~~PARKSON, REGINAL C. & JOAN~~	~~1810 Bra[illegible] Dr.~~	~~10~~ deleted as amended			SCOTTSWOOD ADDITION
8	NUSBAUM, RALPH J. & PHYLLIS DARLENE	1816 [illegible] Dr	11			"
9	MARTEN, CARL F. & E.M.	5329 [illegible]	8 Ft. South of Lot 13 Aldene Manor Add			ARCHANGE GODFREYS SUB. OF RICH. RESERVE
10						
11						
12	SOUTHWEST CONSERVATION CLUB INC.	6703	2 Ft. S.W. of Scotswood Add. [illegible]			ARCHANGE GODFREYS SUB. OF RICH. RESERVE
13						
14						
15	HENNINGER, WILLIAM E. & MARY M.	5333 Bluffton Rd	14			ALDENE MANOR ADD.
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58	NOTICES MAILED ~~OR SERVED~~					
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61	By Beryl Rehling					
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		TOTAL				